

PATENT COOPERATION TREATY

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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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20 DEC. 2004

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year)

20.12.2004

Applicant's or agent's file reference
FR920020033/CB

IMPORTANT NOTIFICATION

International application No.
PCT/EP 03/07132

ACTION

International filing date (day/month/year)
13.06.2003

Priority date (day/month/year)
11.07.2002

Applicant

INTERNATIONAL BUSINESS MACHINES CORPORATION et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference FR920020033/CB	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/07132	International filing date (day/month/year) 13.06.2003	Priority date (day/month/year) 11.07.2002
International Patent Classification (IPC) or both national classification and IPC G06F17/30		
Applicant INTERNATIONAL BUSINESS MACHINES CORPORATION et al.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 		
Date of submission of the demand 13.01.2004	Date of completion of this report 20.12.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016 -	Authorized Officer de Man, A Telephone No. +31 70 340-4527	



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 03/07132**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-12 as originally filed

Claims, Numbers

1-8 as originally filed

Drawings, Sheets

1/6-6/6 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/EP 03/07132

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-8
	No: Claims	
Inventive step (IS)	Yes: Claims	3-6
	No: Claims	1,2,7,8
Industrial applicability (IA)	Yes: Claims	1-8
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1 Reference is made to the following document:

D1: FreeBSD Hypertext Man Pages, "ln, link -- make links" (1993)

- 2 Document D1 discloses, in the wording of claim 1 insofar as possible,

a method for managing data using a file name on a computer system having a file system storing files with a file hierarchy comprising folders, themselves containing folders or files, said method comprising the steps of

selecting at least one folder in the file hierarchy (implicit from lines 10-12, "many places");

saving data in a first file having the file name in one selected folder (implicit from line 12; data is saved in the original copy);

in each of the other selected folders, creating a shortcut file having the same file name and containing a pointer to the first file (lines 9-14, 27 and 33-35; symbolic links referencing the original copy are created in the selected folders; the symbolic link will have the same file name by default, cf. lines 39-46),

from which the subject-matter of claim 1 differs in that

- (I) the computer system has a graphical user interface, and selecting at least one folder in the file hierarchy comprises

entering a command from an application to create a file, displaying the file hierarchy, and allowing the user to select at least one folder;

- (II) it further comprises

creating a hidden file in the folder containing the first file, said hidden file containing the list of pointers to the shortcut files;

The features (I) relate to commonplace measures to allow a user to select a folder using a graphical user interface, and therefore do not contribute to an inventive step.

The features (II) concern the creation of a hidden file, and do not appear to achieve any technical effects or solve any technical problem. Indeed, the claim does not contain any features specifying a use of this file. Thus the features (II) do not contribute to an inventive step either.

Consequently, the subject-matter of claim 1 does not meet the requirements of Article 33(3) PCT regarding inventive step.

- 3 The subject-matter of independent claims 7 and 8 largely corresponds to the subject-matter of claim 1, which was found to lack inventive step. The subject-matter of claims 7 and 8 therefore does not involve an inventive step either (Article 33(3) PCT).
- 4 The additional features of dependent claim 2 relate to opening a file and comprise commonplace features that allow a user to select a file to be opened using a graphical user interface, and the features

(III) *if the file to be opened is not a shortcut file, opening the first file; and*

(IV) *if the file to be opened is a shortcut file, pointing to and opening said first file.*

The feature (III) specifies normal and well-known behaviour of a file open operation. The feature (IV) is disclosed by document D1, see lines 33-35.

The subject-matter of claim 2 therefore does not involve an inventive step (Article 33(3) PCT).